

Public defender's office overloaded

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Karin Sonneman is overwhelmed.

The voice mailbox of Winona County's only full-time public defender was full Friday, clogged with messages from clients. Each day, it seems, she's assigned a new felony case to defend.

Her client list hovers at 250, most of them felonies, and has become so overwhelming, she says it affects her ability to prepare proper defenses. "We have just about enough time to triage cases," she said. "I like to give every case the full measure of my time. It's just become crazy."

Winona's public defenders say they are so understaffed and overworked they plan to ask judges to delay non-violent misdemeanor cases until Minnesota's Third Judicial District can find a way to lighten caseloads. The plan could give them more time to prepare defenses in serious cases and spend more face-time with clients, but it also leaves the smaller cases up in the air.

"That's the kind of stuff that keeps me up at night," said Karen Duncan, chief public defender for Minnesota's Third Judicial District. "I recognize how important these are for people, but the truth is we aren't able to prepare for these cases."

In 2003, a full office of Winona public defenders and a support staff was closed, leaving Sonneman as the lone full-timer with help from a handful of part-timers. Together, they are the equivalent of 3.25 full-time attorneys - who work an average of 1,250 cases a year, according to the state Board of Public Defense.

Kurt Knuesel, who is supposed to work as a three-quarter time public defender, had 198 assignments in the last fiscal year. Attorneys like Knuesel shouldn't have more than 75 clients at a time, but averages 160.

"You have case loads that are so high that it's difficult to find enough time to devote to each individual case," Knuesel said. "Obviously, the defense of the client will suffer."

Also in 2003, court-appointed attorneys stopped staffing defendants' first court appearances, leaving defendants who often have little knowledge of the law to argue release conditions against seasoned prosecutors. Frequently, judges have to remind defendants they have a right to remain silent.

"(Having an attorney present) makes a difference sometimes whether a person can be held or released," Duncan said.

Public defenders expect their problems to get worse. Caseloads are on pace to increase by 40 percent this year, from 254 felony cases in 2008 to 354 by the end of this year.

And state funding isn't likely to increase any time soon. Budget forecasts are expected to show continued deficits in the billions of dollars, said Rep. Gene Pelowski, DFL-Winona. There simply isn't money to go around, he said.

Another lawmaker suggests fundamental changes to the judicial system. "We need to be more judicious in the cases we prosecute," said Rep. Steve Drazkowski, R-Wabasha. Aggressive prosecution of some animal abuse cases, minor drug crimes and drunken driving violations clogs up the courts, he said.

Besides delaying some misdemeanor cases, the Third Judicial District's public defenders' office has suggested hearing misdemeanor cases just once a month instead of twice a week.

But even that isn't likely to make Sonneman's voice mailbox any less full.